

Appln No. 09/885,498
Amdt date March 7, 2006
Reply to Office action of September 9, 2005

REMARKS/ARGUMENTS

Claims 1-12 and 15-20 are pending of which claims 9, 10, 19, and 20 are currently withdrawn from consideration. Claims 1, 5, 7, 11, 15, and 17 are amended and claims 13-14 are canceled.

The Examiner has not acknowledged the priority document that was filed June 19, 2001 (that is, box 12 of PTOL-326 is not checked). Acknowledgement of the above-mentioned priority document is respectfully requested.

Claims 1, 3, 11, and 13 are rejected under 35 U.S.C. 102(e) as being fully anticipated by Habel et al. (US 6,592,273), and claims 2, 4-8, 12, and 14-18 are rejected 35 U.S.C. 103(a) as being obvious over Habel in view of Bergano (US 6,310,709).

Amended independent claim 1 includes, among other limitations, "a second clock which has a frequency equal to $1/N$ of that of a first clock . . . , wherein N is an integer greater than one," and "transmitting the header before the data." Habel does not teach the above limitations. First, the transmitter of Habel uses the same clock f_{ch} to carry the OH data and the traffic data. Thus, Habel does not disclose a second clock [carrying the header] which has a frequency equal to $1/N$ of that of a first clock [carrying the data. . . , wherein N is an integer greater than one. Second, Habel describes a "summing circuit 4 [that] combines the traffic data with the up-converted OH data, resulting in a frequency spectrum as shown in FIG. 1. A light source 6 converts the summation of traffic and overhead data from an electrical variant into an optical variant and launches the combined signal over link 5 towards the second 3R unit 3, in optical format." (Col. 3, lines 48-53, underlining added.). There is no teaching in Habel about "transmitting the header before the data." Consequently, independent claim 1 is not anticipated by Habel. Amended independent claims 11 and 17 include similar limitations. Therefore, independent claims 11 and 17 are not anticipated by Habel either.

Amended independent claim 5 includes, among other limitations, "a second clock which synchronizes with a first clock carrying the data and has a frequency $1/N$ one integer of that of the first clock, wherein N is an integer greater than one," and "a data arranger to arrange the first

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clock carrying the data after the output data from the phase modulator." As explained above, Habel does not teach the above limitations, because the transmitter of Habel uses the same clock f_{ch} to carry the OH data and the traffic data and a summing circuit 4 combines the traffic data with the up-converted OH data for transmission over link 5.


Accordingly, independent claim 5 is not anticipated by Habel. Amended independent claims 7 and 15 include similar limitations. Therefore, independent claims 7 and 15 are not anticipated by Habel either.

Similarly, Bergano, alone or in combination with Habel, does not teach or suggest the above limitations of independent claims 1, 5, 7, 11, 15, and 17. As a result, independent claims 1, 5, 7, 11, 15, and 17 are also patentable in view of Habel/Bergano combination.

In short, independent claims 1, 5, 7, 11, 15, and 17 recite a novel and unobvious invention over the cited references and therefore are patentable over the cited references. Dependent claims 2-4, 6, 8, 12, 16, and 18 depend from claims 1, 5, 7, 11, 15, and 17, respectively are allowable as are claims 1, 5, 7, 11, 15, and 17, and for additional limitations recited therein.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,
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